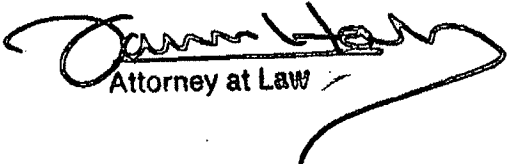


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Attorney at Law

IN THE CIRCUIT COURT OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF MULTNOMAH

RILEY POOR,

Plaintiff,

vs.

FRONTIER AIR LINES, Inc. ,

Defendant.

No. 1211-14843

COMPLAINT

(Personal Injuries – Negligence and
Premises Liability – praying for
\$325,000.00 in non-economic and
\$7500.00 in economic damages)

Plaintiff alleges:

FIRST CLAIM FOR RELIEF

[NEGLIGENCE]

1.

At all times material to this complaint, defendant Frontier Air Lines, Inc. was an active Colorado corporation authorized to do business in Oregon and doing business in Multnomah County operating a commercial airline service from Denver to Portland International Airport. At all times material to this complaint defendant Frontier Air Lines, Inc. did business in the City of Portland, Multnomah County.

2.

On or about November 27, 2010, plaintiff took defendant's flight 797 from Denver to Portland. Plaintiff Poor is a wheelchair bound tetraplegic with limited use of his arms. When the plane arrived in Portland he

1 waited for defendant's employees to move him from his seat to an aisle chair, and then
 2 to his waiting wheelchair. Two Frontier Air Lines, Inc. employees, acting in the course
 3 and scope of their employment, came to move plaintiff Poor but they lifted his torso
 4 without properly lifting his legs, wrenching his shoulders and causing plaintiff to suffer
 5 the injuries and damages described below.

6 3.

7 The defendant acted unreasonably and/or negligently in one or more of the
 8 following particulars:

9 (a) In failing to execute a proper lift and transfer, placing undue force on
 10 plaintiff's shoulders and upper body without properly lifting his legs,
 11 when the defendant knew or should have known that tetraplegic
 12 passengers such as plaintiff needed specialized assistance getting off
 13 of defendant's plane; and

14 (b) In failing to adequately train the personnel it employed to lift plaintiff,
 15 when the defendant knew or should have known of the risk of harm
 16 posed to tetraplegic passengers such as plaintiff during the seat
 17 transfer lift.

18 4.

19 As a result of the negligent acts and omissions of the defendant plaintiff
 20 Riley Poor suffered chronic bilateral shoulder strains. Plaintiff has suffered pain,
 21 frustration, disruption of his work schedule and his normal activities, and his injuries are
 22 permanent and progressive, threatening his ability to continue using a manual
 23 wheelchair with power assisted wheels, all to his non-economic damages, in the sum of
 24 \$325,000.00.

25 5.

26 In an effort to treat his injuries, plaintiff Riley Poor incurred physician,
 27 hospital, physical therapy, and related bills in the approximate sum to date of \$7500.00,
 28 the exact amount to be proven at trial.

SECOND CLAIM FOR RELIEF

[PREMISES LIABILITY]

6.

Plaintiff refers to paragraphs 1 through 5 above, inclusive, and by this reference incorporates them herein as though set forth in full.

7.

Defendant Frontier Air Lines, Inc. was the occupier and owner of the plane on which plaintiff flew, and defendant Frontier Air Lines, Inc. invited business customers such as plaintiff Riley Poor onto the plane for business purposes.

8.

Responding to that invitation, plaintiff Riley Poor flew on defendant's plane on or about November 27, 2010, and as a customer was a business invitee.

9.

Defendant Frontier Air Lines, Inc. acted unreasonably and/or negligently in one or more of the following particulars:

(a) In failing to execute a proper lift and transfer, placing undue force on plaintiff's shoulders and upper body without properly lifting his legs, when the defendant knew or should have known that tetraplegic passengers such as plaintiff needed specialized assistance getting off of defendant's plane; and

(b) In failing to adequately train the personnel it employed to lift plaintiff, when the defendant knew or should have known of the risk of harm posed to tetraplegic passengers such as plaintiff during the seat transfer lift.

10.

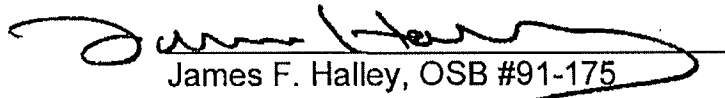
As a result of the negligent and or unreasonable acts of defendant Frontier Airlines, Inc. plaintiff Riley Poor suffered the injuries and damages set forth in paragraphs 4 and 5 above.

1 WHEREFORE, plaintiff prays for judgment against defendant Frontier Air
2 Lines, Inc. on both claims for relief:

- 3 1. For \$325,000.00 in non-economic damages, and \$7500.00 in
4 economic damages;
5 2. For costs and disbursements incurred herein; and
6 3. For such other relief as the court deems appropriate in the
7 circumstances.

8 DATE: Nov. 21, 2012

9 JAMES F. HALLEY, P.C.

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12 James F. Halley, OSB #91-175
13 Trial Attorney for Plaintiff Riley Poor
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